

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

CHARLES WILSON, :  
Plaintiff, : 07 CV 5449 (DC)  
v. : **NOTICE OF MOTION TO  
DISMISS PLAINTIFF'S  
STATE LAW RIGHT OF  
PUBLICITY CLAIM**  
CAPITOL RECORDS, INC. and EMI MUSIC, INC. :  
d/b/a CAPITOL MUSIC GROUP, BERLIN :  
CAMERON UNITED, HEINEKEN USA, INC., :  
Defendants. : Electronically Filed

-----x

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, and upon all the prior pleadings and proceedings, Defendants hereby move this court, before the Honorable Denny Chin, U.S.D.J., at the United States District Court for the Southern District of New York, 500 Pearl Street, Courtroom 11A, New York, New York 10007, for an order granting the Defendants' motion to dismiss Plaintiff's Third Claim for Relief, pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted because the Copyright Act, 17 U.S.C. § 301, preempts Plaintiff's state law right of publicity claim, and for such other relief as the Court may consider just and proper.

Motion Schedule (as set by the Court): Moving papers due October 19, 2007; answering papers due November 16, 2007; and reply papers due November 30, 2007.

Oral argument is requested.

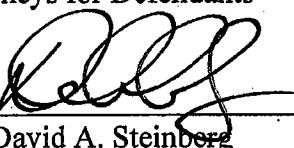
Dated: New York, New York  
October 19, 2007

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
RICHARD S. MANDEL

MITCHELL SILBERBERG & KNUPP LLP  
RUSSELL J. FRACKMAN  
DAVID A. STEINBERG  
WADE B. GENTZ  
Attorneys for Defendants

By:

  
David A. Steinberg  
11377 West Olympic Boulevard  
Los Angeles, California 90064  
(310) 312-2000